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3 BILL NO. R-75-05-30

4 RESOLUTION NO. R- 35-75

5 A RESOLUTION approving the execution of a Memorandum
6 of Agreement between the City of Fort Wayne, Allen
7 County and the Indiana State Highway Commission

8 WHEREAS, the City of Fort Wayne, Allen County and the Indiana
9 State Highway Commission have entered into a Memorandum of Agreement for
10 street and highway improvement programs to provide the most effective use of
11 their resources; and

12 WHEREAS, said Memorandum of Agreement will provide for the
13 removal of intercity truck traffic from certain thoroughfares and that certain
14 improvements shall be made upon such thoroughfares prior to the relinquish-
15 ment and rerouting of said State Highways.

16 NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF
17 THE CITY OF FORT WAYNE, INDIANA THAT:

18 The Memorandum of Agreement between the City of Fort Wayne,
19 the County of Allen and the Indiana State Highway Commission, is by reference
20 incorporated herein, made a part hereof and is hereby in all things ratified,
21 confirmed and approved.
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24 
25 Councilman

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33 APPROVED AS TO FORM
34 AND LEGALITY,
35 
CITY ATTORNEY

Read the first time in full and on motion by _____, seconded by _____, and duly adopted, read the second time by title and referred to the Committee on _____ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 197_____, at _____ o'clock P.M., E.S.T.

Date: _____ CITY CLERK

Read the third time in full and on motion by Moses, seconded by Hinga, and duly adopted, placed on its passage. Passed (~~lost~~) by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT	TO-WIT
TOTAL VOTES	<u>9</u>	<u>0</u>			
BURNS	<u>X</u>				
HINGA	<u>X</u>				
KRAUS	<u>X</u>				
MOSES	<u>X</u>				
NUCKOLS	<u>X</u>				
SCHMIDT, D.	<u>X</u>				
SCHMIDT, V.	<u>X</u>				
STIER	<u>X</u>				
TALARICO	<u>X</u>				

DATE: 5-13-75 Charles W. Westerhouse
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (~~Zoning Map~~) (~~General~~) (~~Annexation~~) (~~Special~~) (~~Appropriation~~) Ordinance (Resolution) No. 2-35-75 on the 13-th day of May, 1975.

ATTEST: (SEAL) James Shinn
Charles W. Westerhouse PRESIDENT OFFICER
CITY CLERK

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 14th day of May, 1975, at the hour of 11:30 o'clock A. M., E.S.T.

Charles W. Westerhouse
CITY CLERK

Approved and signed by me this 14th day of May, 1975, at the hour of 11:30 o'clock A. M., E.S.T.

Jack Shinn
MAYOR

Memorandum of Agreement

WHEREAS, The City of Fort Wayne, Indiana ("the City"), Allen County ("the County"), and the Indiana State Highway Commission ("the State") have only limited resources available for their respective street and highway improvement requirements; and

WHEREAS, the City, the County, and the State have been negotiating for many months in an attempt to arrive at an agreement that would permit them to cooperate on certain street and highway improvement programs in a manner permitting the most effective use of their resources; and

WHEREAS, the City, the County and the State recognize that considerations of safety and traffic control dictate that certain projects be given immediate priority; and

WHEREAS, for reasons of economy, the State is desirous of relinquishing and rerouting certain State Highways which are presently routed over thoroughfares within the City and County, and

WHEREAS, in order to accomplish the removal of inter-city truck traffic from such thoroughfares, the City is requesting the relinquishment of said State Highways; and

WHEREAS, the City, the County and the State are in agreement that certain improvements shall be made upon such thoroughfares prior to the relinquishment and rerouting of said State Highways;

NOW, THEREFORE, In consideration of the premises and of the terms and conditions hereinafter set forth, it is mutually agreed as follows with regard to the projects hereinafter described:

1. Anthony Boulevard Bridge

The State and the County will widen the existing Anthony Boulevard Bridge on State Road 37 over the Maumee River to 48 feet width from curb to curb, and with sidewalks on each side. The State with the cooperation of the County will also reconstruct the grade crossing over the tracks of the Norfolk & Western Railway Company and relocate the crossing signals. Participation will be 50% State and 50% County.

2. State Road 37 - U.S. 24 to U.S. 30 By-Pass

The State will resurface State Road 37 2.05 miles from U.S. 24 to 0.68 miles south of U.S. 30 By-Pass as shown in Exhibit A.

The City will pay one-half of the cost of specified curb removal and new curb. The State will pay the remaining one-half of the cost of curb work.

Upon completion of the bridge construction, railroad crossing improvement and resurface work referred to in item 1 and 2, State Road 37 will be relinquished to the City from U.S. 24 to U.S. 30 By-Pass.

3. U.S. 27 North - U.S. 30 By-Pass to I-69

The State will reconstruct U.S. 27 from its intersection with the U.S. 30 By-Pass north to its intersection with Washington Center Road. Such reconstruction will be in accordance with plans, included as Exhibit "B", provided by the City to the State. The City will obtain the necessary grants of right-of-way and deliver documentation evidencing the same to the State. The City will pay for lighting and sidewalks if included in the State construction contract. Upon completion of this work, the State will relinquish present U.S. 27 from Northrup to I-69 to the City.

4. The State will perform patching, wedging, and joint sealing on State Road 14 from I-69 to U.S. 24, as shown in Exhibit "C". Upon completion of this work, State Road 14 will be relinquished to the City and County from I-69 to U.S. 24.

5. The State will perform patching, wedging, joint sealing, and resurfacing of a portion of U.S. 24 from I-69 on the west to U.S. 30 on the east, as shown in Exhibit "D". The City will contribute one-half the cost of curb removal and replacement. The State will pay the remaining one-half cost of curb work. Upon completion of this work, U.S. 24 will be relinquished to the City and County from I-69 on the west to U.S. 30 By-Pass on the east.

This Memorandum is made subject to all of the prohibitions imposed upon the parties by law relative to the encumbrance of funds, or contractual authority.

The parties further agree that this is only a Memorandum of Intent and will be honored upon the completion of the work as provided herein, but shall not give rise to an action at law or in equity.

Board of Commissioners of Allen County

John Miller
Charles J. Starnes
Jack R. Durrigan

City of Fort Wayne

by *Jack R. Durrigan*
Mayor

Fort Wayne Board of Public Works

by *R. D. Brumley*
Chairman

Common Council of the City of Fort Wayne

by _____
President

Indiana State Highway Commission

by _____
Chairman

DIGEST SHEETTITLE OF ORDINANCE RESOLUTION9-75-05-30

DEPARTMENT REQUESTING ORDINANCE _____

SYNOPSIS OF ORDINANCE A Resolution approving the execution of a Memorandum ofAgreement between the City, Allen County and Indiana State Highway Commissionfor the relinquishment and rerouting and certain improvements of certainthoroughfares in the City of Fort WayneEFFECT OF PASSAGE Improvement to certain state highways within the CityEFFECT OF NON-PASSAGE Improvements will not be made

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

Public Works